

STATE OF NEW YORK

464

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

Introduced by M. of A. JOYNER -- read once and referred to the Committee on Housing

AN ACT to amend the administrative code of the city of New York, the emergency tenant protection act of nineteen seventy-four and the emergency housing rent control law, in relation to prohibiting the adjustment of maximum allowable rent where any modification, increase or improvement is made to accommodate the needs of a disabled tenant

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (e) of paragraph 1 of subdivision g of section
2 26-405 of the administrative code of the city of New York, as amended by
3 section 20 of part Q of chapter 39 of the laws of 2019, is amended to
4 read as follows:
5 (e) The landlord and tenant by mutual voluntary written agreement
6 demonstrating informed consent agree to a substantial increase or
7 decrease in dwelling space or a change in furniture, furnishings or
8 equipment provided in the housing accommodations. An adjustment under
9 this subparagraph shall be equal to one-one hundred sixty-eighth, in the
10 case of a building with thirty-five or fewer housing accommodations or
11 one-one hundred eightieth in the case of a building with more than thir-
12 ty-five housing accommodations where such temporary adjustment takes
13 effect on or after the effective date of [~~the~~] chapter thirty-six of the
14 laws of two thousand nineteen [~~that amended this subparagraph~~], of the
15 total actual cost incurred by the landlord in providing such reasonable
16 and verifiable modification or increase in dwelling space, furniture,
17 furnishings, or equipment, including the cost of installation but
18 excluding finance charges and any costs that exceed reasonable costs
19 established by rules and regulations promulgated by the division of
20 housing and community renewal. Such rules and regulations shall include:
21 (i) requirements for work to be done by licensed contractors and prohib-
22 it common ownership between the landlord and the contractor or vendor;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 and (ii) a requirement that the owner resolve within the dwelling space
2 all outstanding hazardous or immediately hazardous violations of the
3 Uniform Fire Prevention and Building Code (Uniform Code), New York City
4 Fire Code, or New York City Building and Housing Maintenance Codes, if
5 applicable. Provided further that an owner who is entitled to a rent
6 increase pursuant to this subparagraph shall not be entitled to a
7 further rent increase based upon the installation of similar equipment,
8 or new furniture or furnishings within the useful life of such new
9 equipment, or new furniture or furnishings. Provided further that the
10 recoverable costs incurred by the landlord, pursuant to this subpara-
11 graph shall be limited to an aggregate cost of fifteen thousand dollars
12 that may be expended on no more than three separate individual apartment
13 improvements in a fifteen year period beginning with the first individ-
14 ual apartment improvement on or after June fourteenth, two thousand
15 nineteen. Provided further that increases to the legal regulated rent
16 pursuant to this subparagraph shall be removed from the legal regulated
17 rent thirty years from the date the increase became effective inclusive
18 of any increases granted by the applicable rent guidelines board. The
19 owner shall give written notice to the city rent agency of any such
20 temporary adjustment pursuant to this subparagraph; provided, however,
21 an owner shall not be entitled to any adjustment pursuant to this
22 subparagraph where any modification or increase in dwelling space,
23 services, furniture, furnishings or equipment is made to accommodate the
24 needs of a disabled tenant. For purposes of this subparagraph, "disa-
25 bled" means an individual (i) with a physical or mental impairment,
26 including, but not limited to, those of neurological, emotional or
27 sensory organs, which substantially limits one or more of the individ-
28 ual's major life activities, and (ii) who is regarded as having such an
29 impairment as certified by a licensed physician of this state; or

30 § 2. Paragraph 13 of subdivision c of section 26-511 of the adminis-
31 trative code of the city of New York, as amended by section 19 of part Q
32 of chapter 39 of the laws of 2019, is amended to read as follows:

33 (13) provides that an owner is entitled to a rent increase where there
34 has been a substantial modification or increase of dwelling space, or
35 installation of new equipment or improvements or new furniture or
36 furnishings provided in or to a tenant's housing accommodation, on writ-
37 ten informed tenant consent to the rent increase. In the case of a
38 vacant housing accommodation, tenant consent shall not be required. The
39 temporary increase in the legal regulated rent for the affected housing
40 accommodation shall be one-one hundred sixty-eighth, in the case of a
41 building with thirty-five or fewer housing accommodations or one-one
42 hundred eightieth in the case of a building with more than thirty-five
43 housing accommodations where such increase takes effect on or after the
44 effective date of [~~the~~] chapter thirty-six of the laws of two thousand
45 nineteen [~~that amended this paragraph~~], of the total actual cost
46 incurred by the landlord in providing such reasonable and verifiable
47 modification or increase in dwelling space, furniture, furnishings, or
48 equipment, including the cost of installation but excluding finance
49 charges and any costs that exceed reasonable costs established by rules
50 and regulations promulgated by the division of housing and community
51 renewal. Such rules and regulations shall include: (i) requirements for
52 work to be done by licensed contractors and prohibit common ownership
53 between the landlord and the contractor or vendor; and (ii) a require-
54 ment that the owner resolve within the dwelling space all outstanding
55 hazardous or immediately hazardous violations of the Uniform Fire
56 Prevention and Building Code (Uniform Code), New York City Fire Code, or

1 New York City Building and Housing Maintenance Codes, if applicable.
2 Provided further that an owner who is entitled to a rent increase pursu-
3 ant to this paragraph shall not be entitled to a further rent increase
4 based upon the installation of similar equipment, or new furniture or
5 furnishings within the useful life of such new equipment, or new furni-
6 ture or furnishings. Provided further that the recoverable costs
7 incurred by the landlord, pursuant to this paragraph, shall be limited
8 to an aggregate cost of fifteen thousand dollars that may be expended on
9 no more than three separate individual apartment improvements in a
10 fifteen year period beginning with the first individual apartment
11 improvement on or after June fourteenth, two thousand nineteen. Provided
12 further that increases to the legal regulated rent pursuant to this
13 paragraph shall be removed from the legal regulated rent thirty years
14 from the date the increase became effective inclusive of any increases
15 granted by the applicable rent guidelines board. Provided, however, an
16 owner shall not be entitled to any rent increase pursuant to this para-
17 graph where any modification, increase or improvement in dwelling space,
18 services, furniture, furnishings or equipment is made to accommodate the
19 needs of a disabled tenant. For purposes of this paragraph, "disabled"
20 means an individual (i) with a physical or mental impairment, including,
21 but not limited to, those of neurological, emotional or sensory organs,
22 which substantially limits one or more of the individual's major life
23 activities, and (ii) who is regarded as having such an impairment as
24 certified by a licensed physician of this state.

25 § 3. Paragraph 1 of subdivision d of section 6 of section 4 of chapter
26 576 of the laws of 1974, constituting the emergency tenant protection
27 act of nineteen seventy-four, as amended by section 18 of part Q of
28 chapter 39 of the laws of 2019, is amended to read as follows:

29 (1) there has been a substantial modification or increase of dwelling
30 space, or installation of new equipment or improvements or new furniture
31 or furnishings, provided in or to a tenant's housing accommodation, on
32 written informed tenant consent to the rent increase. In the case of a
33 vacant housing accommodation, tenant consent shall not be required. The
34 temporary increase in the legal regulated rent for the affected housing
35 accommodation shall be one-one hundred sixty-eighth, in the case of a
36 building with thirty-five or fewer housing accommodations or one-one
37 hundred eightieth in the case of a building with more than thirty-five
38 housing accommodations where such increase takes effect on or after the
39 effective date of [~~the~~] chapter thirty-six of the laws of two thousand
40 nineteen [~~that amended this paragraph~~], of the total actual cost
41 incurred by the landlord up to fifteen thousand dollars in providing
42 such reasonable and verifiable modification or increase in dwelling
43 space, furniture, furnishings, or equipment, including the cost of
44 installation but excluding finance charges and any costs that exceed
45 reasonable costs established by rules and regulations promulgated by the
46 division of housing and community renewal. Such rules and regulations
47 shall include: (i) requirements for work to be done by licensed
48 contractors and a prohibition on common ownership between the landlord
49 and the contractor or vendor; and (ii) a requirement that the owner
50 resolve within the dwelling space all outstanding hazardous or imme-
51 diately hazardous violations of the Uniform Fire Prevention and Building
52 Code (Uniform Code), New York City Fire Code, or New York City Building
53 and Housing Maintenance Codes, if applicable. Provided further that an
54 owner who is entitled to a rent increase pursuant to this paragraph
55 shall not be entitled to a further rent increase based upon the instal-
56 lation of similar equipment, or new furniture or furnishings within the

1 useful life of such new equipment, or new furniture or furnishings.
2 Provided further that the recoverable costs incurred by the landlord,
3 pursuant to this paragraph, shall be limited to an aggregate cost of
4 fifteen thousand dollars that may be expended on no more than three
5 separate individual apartment improvements in a fifteen year period
6 beginning with the first individual apartment improvement on or after
7 June fourteenth, two thousand nineteen. Provided further that increases
8 to the legal regulated rent pursuant to this paragraph shall be removed
9 from the legal regulated rent thirty years from the date the increase
10 became effective inclusive of any increases granted by the applicable
11 rent guidelines board. Provided, however, an owner shall not be enti-
12 tled to any rent increase pursuant to this paragraph where any modifica-
13 tion, increase or improvement in dwelling space, services, furniture,
14 furnishings or equipment is made to accommodate the needs of a disabled
15 tenant. For purposes of this paragraph, "disabled" means an individual
16 (i) with a physical or mental impairment, including, but not limited to,
17 those of neurological, emotional or sensory organs, which substantially
18 limits one or more of the individual's major life activities, and (ii)
19 who is regarded as having such an impairment as certified by a licensed
20 physician of this state.

21 § 4. Subparagraph 5 of the second undesignated paragraph of paragraph
22 (a) of subdivision 4 of section 4 of chapter 274 of the laws of 1946,
23 constituting the emergency housing rent control law, as amended by
24 section 36 of part Q of chapter 39 of the laws of 2019, is amended to
25 read as follows:

26 (5) the landlord and tenant by mutual voluntary written informed
27 agreement agree to a substantial increase or decrease in dwelling space,
28 furniture, furnishings or equipment provided in the housing accommo-
29 dations; provided that an owner shall be entitled to a rent increase
30 where there has been a substantial modification or increase of dwelling
31 space, or installation of new equipment or improvements or new furniture
32 or furnishings provided in or to a tenant's housing accommodation. The
33 temporary increase in the maximum rent for the affected housing accommo-
34 dation shall be one-one hundred sixty-eighth, in the case of a building
35 with thirty-five or fewer housing accommodations, or one-one hundred
36 eightieth, in the case of a building with more than thirty-five housing
37 accommodations where such increase takes effect on or after the effec-
38 tive date of [~~the~~] chapter thirty-nine of the laws of two thousand nine-
39 teen [~~that amended this subparagraph~~], of the total actual cost incurred
40 by the landlord up to fifteen thousand dollars in providing such reason-
41 able and verifiable modification or increase in dwelling space, furni-
42 ture, furnishings, or equipment, including the cost of installation but
43 excluding finance charges and any costs that exceed reasonable costs
44 established by rules and regulations promulgated by the division of
45 housing and community renewal. Such rules and regulations shall include:
46 (i) requirements for work to be done by licensed contractors and a
47 prohibition on common ownership between the landlord and the contractor
48 or vendor; and (ii) a requirement that the owner resolve within the
49 dwelling space all outstanding hazardous or immediately hazardous
50 violations of the uniform fire prevention and building code (Uniform
51 Code), New York city fire code, or New York city building and housing
52 maintenance codes, if applicable. Provided further that an owner who is
53 entitled to a rent increase pursuant to this clause shall not be enti-
54 tled to a further rent increase based upon the installation of similar
55 equipment, or new furniture or furnishings within the useful life of
56 such new equipment, or new furniture or furnishings. Provided further

1 that the recoverable costs incurred by the landlord, pursuant to this
2 subparagraph, shall be limited to an aggregate cost of fifteen thousand
3 dollars that may be expended on no more than three separate individual
4 apartment improvements in a fifteen year period beginning with the first
5 individual apartment improvement on or after June fourteenth, two thou-
6 sand nineteen. Provided further that increases to the legal regulated
7 rent pursuant to this paragraph shall be removed from the legal regu-
8 lated rent thirty years from the date the increase became effective
9 inclusive of any increases granted by the applicable rent guidelines
10 board. The owner shall give written notice to the commission of any such
11 adjustment pursuant to this clause; provided, however, an owner shall
12 not be entitled to any adjustment pursuant to this clause where any
13 modification, improvement or increase in dwelling space, services,
14 furniture, furnishings or equipment is made to accommodate the needs of
15 a disabled tenant. For purposes of this clause, "disabled" means an
16 individual (i) with a physical or mental impairment, including, but not
17 limited to, those of neurological, emotional or sensory organs, which
18 substantially limits one or more of the individual's major life activ-
19 ities, and (ii) who is regarded as having such an impairment as certi-
20 fied by a licensed physician of this state; or

21 § 5. This act shall take effect immediately; provided that:

22 (a) the amendments to section 26-405 of the city rent and rehabili-
23 tation law made by section one of this act shall remain in full force
24 and effect only as long as the public emergency requiring the regulation
25 and control of residential rents and evictions continues, as provided in
26 subdivision 3 of section 1 of the local emergency housing rent control
27 act; and

28 (b) the amendments made to section 26-511 of chapter 4 of title 26 of
29 the administrative code of the city of New York made by section two of
30 this act shall expire on the same date as such law expires and shall not
31 affect the expiration of such law as provided under section 26-520 of
32 such law.